Atty

Kruthers, Heather H (for Petitioner/Trustee Public Guardian)

First Account Current and Report of Trustee; Petition for Allowance of Compensation to Trustee and Attorney

			PUBLIC GUARDIAI	N , Trustee	ə, is	NEEDS/PROBLEMS/COMMENTS:
			petitioner.			
			Account period:	6/11/12 -	- 6/10/13	Note: If the petition is granted, status
Со	nt. from		Accounting	-	\$42,297.32	hearings will be set as follows:
√	Aff.Sub.Wit.		Beginning POH Ending POH	-	\$0 \$38,363.32	• Friday, November 9, 2015 at 9:00
_	Inventory		Trustee	_	\$1,115.00	a.m. in Department 303, for the filing of the second account.
	PTC		(7.27 Deputy hou	rs @ \$96/	• •	filling of the second account.
	Not.Cred.		Staff hours @ \$76,	/hr)		Pursuant to Local Rule 7.5 if the
✓	Notice of Hrg		Attorney	-	\$1,250.00	required documents are filed 10 days prior the date set the status
√	Aff.Mail	W/	(per Local Rule fo	or conser	vatorships)	hearing will come off calendar and no appearance will be required.
	Aff.Pub.		Bond fee	-	\$95.91	
	Sp.Ntc.		(o.k.)			
	Pers.Serv.		Petitioner prays fo	or an Ord	ler:	
	Conf. Screen		1. Approving, all	_	nd settling	
	Letters		the first accou	-	and	
	Duties/Supp		attorney fees			
	Objections		3. Payment of th			
	Video Receipt					
	CI Report					
	9202					
✓	Order					
	Aff. Posting					Reviewed by: KT
	Status Rpt					Reviewed on: 9/3/2013
	UCCJEA					Updates:
	Citation					Recommendation:
	FTB Notice					File 1 – McCrain

2A The Cenci Family Trust (Trust)

Case No. 10CEPR00244

- Atty Denning, Stephen M. (for Richard G. Cenci Petitioner)
- Atty Sullivan, Robert L (for Bruce D. Bickel Trustee)
- Atty Tekunoff, Daniel J. (for Maike Cenci, Spouse of Respondent Herman Cenci)
- Atty Motsenbocker, Gary L (for Terese Cenci McGee)

Amended Petition to Enforce Judgment Against Trust Beneficiaries [Prob. C. 17000, et seq.]

er seq.j				
		NEEDS/PROBLEMS/COMMENTS:		
		Note: Examiner Notes are not provided for this matter; however, the following history is provided:		
Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv.		Minute Order 6-25-13 (hearing on Richard G. Cenci's original petition): No distribution until Further order of Court. Mr. Sullivan clarifies a clerical error in objection filed. He referenced PC 15306 and it should be referenced to PC 15306.5. All objections and any additional pleadings need to be filed by 8/19/13. Mr. Sullivan will file accounting by 7/25/13 and will be set on 9/9/13 @ 10am. Accounting and this Petition to be heard together.		
Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order X		Note: On 8-19-13, Richard G. Cenci filed an Amended Petition, which effectively took the continued date for the original petition off calendar; however, the amended petition assigned the same hearing date of 9-9-13 and placed on the 9am calendar at filing. However, the Court may wish to address this amended petition as scheduled at 10:00 rather than on the regular 9:00 calendar.		
Aff. Posting		Reviewed by: skc		
Status Rpt		Reviewed on: 9-3-13		
UCCJEA		Updates:		
Citation		Recommendation:		
FTB Notice		File 2A - Cenci		

2A

The Cenci Family Trust (Trust)

Denning, Stephen M. (for Richard G. Cenci – Petitioner)

Tekunoff, Daniel J. (Attorneys for Specially Appearing Maike Cenci, Spouse of Respondent Herman Cenci)

Notice of Motion and Motion for Earnings Withholding Order on Spouse's **Community Property Wages**

		RICHARD G. CENCI, Trustee of the Herman R. Cenci Family (Bypass) Trust, is Petitioner and Judgment Creditor.	NEEDS/PROBLEMS/ COMMENTS: Note: Examiner Notes
Coı	nt. from 062513	Petitioner states Defendant Herman Francis Cenci and Maike Cenci were married at the time of the judgment; therefore, Maike Cenci is also liable for this debt.	are not updated for this matter.
	Aff.Sub.Wit.	Although there is no decided case under California Law,	
>	Verified	every treatise and commentary on the Enforcement of	
	Inventory	Judgments Law (EJL) [cites provided] concur:	
	PTC	Community property is liable for the judgment, and the wages of the non-debtor spouse are reached by this	
	Not.Cred.	same noticed motion procedure. The earnings of both	
~	Notice of	spouses during marriage are community property.	
	Hrg	Petitioner states it is important to keep in mind what is	
>	Aff.Mail W	actually being sought by a motion for court order for an	
	Aff.Pub.	earnings withholding order on the wages of a non-	
	Sp.Ntc.	debtor spouse. The aim is not to make the spouse a	
	Pers.Serv.	judgment debtor; the aim is to apply a particular form of community property to the judgment.	
	Conf.	, , , , , ,	
	Screen	Petitioner and Attorney Denning cite and discuss various authority for this motion. See Memorandum and	
	Letters	Declaration in Support.	
	Duties/Supp	Declaration of Maike Cenci in Opposition to Motion for	
~	Objections	Earnings Withholding Order on Spouse's Community	
	Video	Property Wages; and Memorandum of Points and	
	Receipt	Authoirty in Opposition to Motion for Earnings	
	CI Report	Withholding Order on Spouse's Community Property	
. 4	9202	Wages were filed 6-24-13 by Maike Cenci.	
>	Order	Maike Cenci states the address on Bay View Drive in	Daviero el levy el e
	Aff. Posting	Manhattan Beach, CA, has not been her or her husband's address since Feb. 2010. A PO Box in	Reviewed by: skc
	Status Rpt	Manhattan Beach is provided as a mailing address, and	Reviewed on: 9-3-13
	UCCJEA	Mrs. Cenci states that some relatives have been aware	Updates:
$\vdash\vdash\vdash$	Citation ETP Notice	that they moved and had a new mailing address.	Recommendation: File 2C – Cenci
	FTB Notice	Maike Cenci states it is her understanding that papers have been filed with the Court seeking to withhold her wages. She never received service of such papers. In mid-June, her sister-in-law Teres Ann Cenci McGee, forwarded her a copy of the motion, but it was blank where the hearing date should be. She has never been provided with any other documents in this legal proceeding.	rile 20 - Centi
		Because she has not had enough time to prepare for hearing and has not received proper notice and service, Mrs. Cenci asks the Court to deny the motion and require the paperwork to be properly served and noticed.	
		See Memorandum of Points and Authorities.	

Atty

Sullivan, Robert L. (for Bruce D. Bickel – Trustee)

First and Final Account and Report of Trustee and Petition for Its Settlement; Petition for Instructions Regarding Final Distribution of the Trust Estate [Prob. C. 17200 & 16062]

	BRUCE D. BICKEL, Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Currently under review.
		Concinity officer reviews
A # 0 1 14#1		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 9-3-13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 2D - Cenci

Bagdasarian, Gary G. (for Petitioner/Guardian/mother Teresa Lynn Hannon)

First Account and Report of Guardian

Λ~	A TO 2 YOUTH THE TENER A LYNN HANNON CHORDING IS NEEDS (DOODLEAS) (COAAAENTS)				
Age: 3 years		TERESA LYNN HANNON , Guardian, is petitioner.		NEEDS/PROBLEMS/COMMENTS:	
-		Account period: 5/17/	/12 – 5/31/13		
<u> </u>		<u> </u>		Note: If the petition is granted, a	
Со	nt. from	Accounting -	\$117,293.97	status hearing will be set as follows:	
	Aff.Sub.Wit.		\$112,652.08		
✓	Verified	Ending POH -	\$117,268.97	• Friday, July 24, 2015 at 9:00 a.m.	
	Inventory	Guardian -	waives	in Department 303, for the filing of the second account.	
	PTC			me second decerm.	
	Not.Cred.	Attorney -	waives	Pursuant to Local Rule 7.5 if the	
1	Notice of	7		required documents are filed 10 days	
	Hrg			prior the date set the status hearing	
✓	Aff.Mail	Petitioner prays for an	order:	will come off calendar and no appearance will be required.	
	Aff.Pub.	1. That the Court mak	vo an order	appearance will be required.	
	Sp.Ntc.	1. That the Court mak			
	Pers.Serv.	first account of gud			
	Conf.	llist decourt of god	araiarras illea.		
	Screen				
	Letters				
	Duties/Supp				
	Objections				
	Video				
	Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting			Reviewed by: KT	
	Status Rpt			Reviewed on: 9/4/2013	
	UCCJEA			Updates:	
	Citation			Recommendation:	
	FTB Notice			File 3 – Hannon	

4

Case No. 12CEPR00309

Carlos Andrae Hannon, Jr. (GUARD/E)

Bagdasarian, Gary G. (for Petitioner/Guardian/mother Teresa Lynn Hannon)

First Account and Report of Guardian Atty

Α			riisi Account and		<u> </u>	NIFFDC /DDODLEASC /COAAAAFNITC.
Age: 6 years		TERESA LYNN HANNON, Guardian, is		lardian is	NEEDS/PROBLEMS/COMMENTS:	
-			petitioner.	OIV, G	Jaraiari, is	
-			pointerior.			
_			Account period: 5/	17/12	- 5/31/13	Note: If the petition is granted, a
Co	nt. from	1				status hearing will be set as follows:
	Aff.Sub.Wit.		Accounting	-	\$117,293.97	
✓	Verified		Beginning	-	\$112,652.08	• Friday, July 24, 2015 at 9:00 a.m.
	Inventory		Ending POH	-	\$117,268.97	in Department 303, for the filing of the second account.
	PTC		Guardian	_	waives	of the second account.
	Not.Cred.					Pursuant to Local Rule 7.5 if the
1	Notice of		Attorney	-	waives	required documents are filed 10
*	Hrg					days prior the date set the status
1	Aff.Mail	W/				hearing will come off calendar and
Ě			Petitioner prays for a	an ord	er:	no appearance will be required.
-	Aff.Pub.					
	Sp.Ntc.		2. That the Court m			
—	Pers.Serv.		approving, allow	•	Ŭ	
	Conf.		the first account	of gu	ardian as	
-	Screen		filed.			
	Letters					
-	Duties/Supp					
	Objections					
	Video					
	Receipt					
—	CI Report					
 	9202					
✓	Order					
	Aff. Posting					Reviewed by: KT
	Status Rpt					Reviewed on: 9/4/2013
	UCCJEA					Updates:
	Citation					Recommendation:
	FTB Notice					File 4 – Hannon

4

Miller, Russell C. (for Joshua David Leong – Administrator/Petitioner)

First Account and Status Report of Joshua David Leong, Administrator

DOD: 02/03/12	JOSHUA DAVID LEONG, Administ	rator, is NEEDS/PROBLEMS/COMMENTS:
DOD. 02/03/12	Petitioner.	INCIDITION IN THE CONTINUE IN 13.
	Account period: 06/14/12 - 06/3	Note: A Creditor's Claim was filed by the Fresno County Revenue Collections Unit in the
Cont. from	Accounting - \$204,	105.04 amount of \$3,266.67 on
Aff.Sub.Wit.		910.04 08/09/13.
√ Verified		897.20
✓ Inventory		
✓ PTC	Administrator - not a	ddressed
✓ Not.Cred.	A44	
✓ Notice of	Attorney - not a	ddressed
Hrg	Costs - not a	ddressed
✓ Aff.Mail w/	.,,,,,	
Aff.Pub.	Petitioner states that the creditor	
Sp.Ntc.	of Access Capital Services was roon 06/01/13. This claim was not r	<u> </u>
Pers.Serv.	sooner because the Petitioner w	•
Conf.	communicating with the credito	
Screen	discuss the claim with perhaps se	
Letters 06/14/12	Petitioner, prior to receiving lette	
Duties/Supp	administration, had in good faith	
Objections	past rent for the decedent's office	
Video	collected the security deposit, trapossession of the office back to	
Receipt	creditor by relinquishing the keys	
CI Report	office manager, believing all furt	
√ 9202	obligations of rent were met. On	
✓ Order	unexpected claim was received	
Aff. Posting	administrator made attempts to	rought
Status Rpt	the claim. The creditor has not be an action on the claim and there	reviewed on: 09/03/13
UCCJEA	adequate security for the claim.	The Updates:
Citation	estate is solvent. Petitioner state	s that the Recommendation:
✓ FTB Notice	estate cannot be distributed unt	il the File 5 – Leong
	rejected creditor's claim has bee	
	resolved and any other taxes du	
	paid. Petitioner estimates that a	
	additional three months will be n	leeaea.
	Petitioner prays for an Order:	
	1. Allowing, settling and app	proving
	the first account;	
	2. Confirming and approving	g all acts
	and proceedings of the	
	administrator.	

Atty

McCloskey, Daniel T. (for Debbie M. Korte – Executor/Petitioner)

(1) First and Final Report of Executrix and Petition for Its settlement on Waiver of Account and (2) for Allowance of Statutory Fees to Executrix and Attorney for Ordinary Services and (3) for Final Distribution

DOD: 07/23/12		DEBBIE M. KORTE, Executor, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
	ont. from Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail w/ Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters 12/04/12 Duties/Supp Objections	DEBBIE M. KORTE, Executor, is Petitioner. Accounting is waived. I & A - \$165,000.00 POH - \$17,815.50 (all cash) Executor - \$5,740.00 or waived? Executor costs - \$3,129.43 (for expenses paid for house repairs, PG&E, mortgage payment, insurance, utilities) Attorney - \$5,740.00 (statutory) Costs - \$1,255.00 (filing fees, publication, certified copies) Distribution pursuant to decedent's will, is to: Debbie M. Korte - \$478.76 William T. Frantz, III - \$478.77	 NEEDS/PROBLEMS/COMMENTS: The Petition indicates at Paragraph 16 that the Executor has waived her statutory compensation, however at paragraph 17 the Executor's statutory fee calculation is provided and the prayer requests an order to pay the Executor her ordinary compensation. Need clarification. It is noted that the proposed distribution is with the Executor's fee being paid to her. Decedents will leaves her estate to her children who survive her or to the decedents of any deceased child. Decedent's son, Darrell Ray Pat Frantz, died after the decedent on 08/15/12. Petitioner proposed to distribute Darrell's share to Spencer Frantz, however, since he died after the decedent, his share is distributable to Darrell Frantz' estate and
√		William T. Frantz, III - \$478.77 Heidi M. Frantz - \$478.77 Spencer Frantz - \$478.77	to Darrell Frantz' estate and cannot be distributed directly to Darrell's heirs without additional documentation/information.
✓	Order		
Ë			Reviewed by: JF
-	Aff. Posting		Reviewed by: JF Reviewed on: 09/04/13
_	Status Rpt		
	UCCJEA		Updates:
L	Citation		Recommendation:
✓	FTB Notice		File 6 – Palmer

Armo, Lance E. (for Joseph Balagno – Beneficiary – Petitioner)

Gromis, David Paul (for Nicholas Kovacevich – Trustee)

Petition to Remove Trustee, to Appoint Public Administrator as Trustee, and To Compel Trustee to Account

Dale W. Balagno						
DOD: 3-16-13						
Со	nt. from 062413 2913, 081313,	,				
072	2913, 081313,					
082	2013					
	Aff.Sub.Wit.					
~	Verified					
	Inventory					
	PTC					
	Not.Cred.					
	Notice of Hrg	V				
—	Aff.Mail	X				
<u> </u>		^				
-	Aff.Pub.	\square				
	Sp.Ntc.					
<u> </u>	Pers.Serv.					
	Conf. Screen					
	Letters					
	Duties/Supp					
	Objections					
	Video					
	Receipt					
	CI Report					
	9202					
	Order	Χ				
-	Aff Posting	\parallel				
	Aff. Posting					
ļ	Status Rpt UCCJEA					
	UCCJEA					
	Citation					
	L ETD Matica	ı I				

JOSEPH BALAGNO, Beneficiary, is Petitioner.

Petitioner states:

- The Revocable Trust of Dale W. Balagno was established via Declaration of Trust dated 3-6-13. The trust corpus consists primarily of bank and investment accounts held with several banking institutions.
- The Trustee of the Trust is Nicholas T.
 Kovacevich and purports to be acting in that capacity.
- The beneficiaries are Lori Jo Brown, Linda Sue Balagno, Joseph Dale Balagno (Petitioner), and Mary E. Pond.
- Petitioner is informed and believes that the Trustee has conveyed real property, other accounts, and personal property of the trust to Mary E. Pond without accounting, notice or acknowledgment whatsoever to Petitioner and other beneficiaries. Only upon Petitioner's contacting the various banking and investment institutions did Petitioner learn of such. See attached Trust Transfer Deed dated 3-27-13.
- Petitioner also believes the trustee has distributed other investment accounts to Ms. Pond or to himself without notice, and/or is concealing the identity of other assets comprising the trust estate. Petitioner is informed and believes that certain accounts have been closed or blocked without notice or accounting to beneficiaries.
- Petitioner has asked the trustee for a list of assets; however, he has refused to comply with such request. Petitioner has been forced to freeze various accounts as a result.
- Petitioner seeks an order removing the trustee on grounds that he refuses to respond after demands having been made, conveys property without notice or accounting to either Ms. Pond or himself, changes mailing addresses and ownership of various accounts to the name of Ms. Pond, and refuses to correspond or communicate with Petitioner and other beneficiaries.

SEE ADDITIONAL PAGES

NEEDS/PROBLEMS/COMMENTS:

Continued from 6-24-13, 7-29-13, 8-13-13 (Settlement Conf), and 8-20-13 (Continued Settlement Conf)

Minute Order 6-24-13: Continued to 7-29-13.

Minute Order 7-29-13: Mr. Gromis is appearing specially for Nicholas Kovacevich. The Court indicates to the parties that Mr. Kovacevich is not to advise the beneficiaries, but is to act as a trustee only. Parties are directed to return to Court at 10:30 a.m. to engage in settlement discussions. Continued to 9-9-13 at 9:00 a.m.; set on 8-13-13 at 10:00 a.m. for Settlement Conference.

Note: These Examiner Notes were originally prepared for the hearings of 6-24-13 and 7-29-13. Trustee Nicholas Kovacevich filed a Declaration on 8-8-13 that states extensive documentation was delivered to Attorney Armo; however, this has not been reviewed by Examiner as it was filed for Settlement Conference. Examiner Notes are not provided for Settlement Conference.

Minute Order 8-13-13 (Settlement Conference): Present: David Gromis. Also present in the courtroom are Mr. Armo's clients. The Court is informed that Mr. Armo is out of state, but will be available next week. Continued to 8-20-13.

Minute Order 8-20-13: With regard to account #xxx005, the Court orders the Fresno Fire Department Credit Union to provide Mr. Kovacevich, the trustee all bank statements for the period 2013 to the present. Counsel is directed to prepare the order. Set on 9-9-13 for Status Hearing.

SEE ADDITIONAL PAGES

Reviewed by: skc

Reviewed on: 9-3-13

Updates:

Recommendation:
File 7A – Balagno

Page 2

Petitioner states a trustee may be removed on petition under §§ 17200, 15642a for breach or other good cause, including hostility. Remedies include compel performance, enjoin trustee from further breach, equitable lien on property. Petitioner believes the trustee is intentionally refusing to communicate so to make further conveyances to Ms. Pond or himself without providing notice or accounting to other beneficiaries.

Petitioner prays for an Order:

- 1. Removing Nicholas T. Kovacevich as trustee of the Trust of Dale W. Balagno;
- 2. Ordering Nicholas T. Kovacevich account for his actions as trustee;
- 3. Appointing the Public Administrator as successor trustee;
- 4. Ordering Nicholas T. Kovacevich bear his own costs and attorney fees for defense of this action;
- 5. Ordering Nicholas T. Kovacevich retitle the trust estate property in the name of the trust;
- 6. For all costs of suit incurred; and
- 7. For such other and further relief as the Court may deem just and proper.

Petitioner provides various citations for the request. See Petition and supplemental declaration filed 6-19-13.

NEEDS/PROBLEMS/COMMENTS:

Examiner's Note (Relevant dates/events):

- DW Balagno created trust on 3-6-13
- DW Balagno DOD 3-16-13
- Letter dated 4-5-13 from Linda Balagno and Lori Brown imposed deadline of 4-11-13 for info
- Letter dated 4-16-13
- Petition filed 5-9-13 (without copy of trust or other relevant information, such as the date of death of the settlor)
- Declaration w/ copy of trust and additional information per Examiner Notes was filed 6-19-13
- Notice of Hearing was mailed on 6-24-13.

Examiner's Note (Trust details):

- DW Balagno created trust on 3-6-13 (10 days prior to his death on 3-16-13)
- It appears the trust was created by an LDA (not an attorney)
- It appears that Mary E. Pond (unknown relation) also created a trust on the same date as petitioner and transferred her property into it.
- Trust names three Successor Trustees: Nicholas T. Kovacevich (a local CPA), Jo Ann Barnes (unknown relation), and Mary E. Pond (unknown relation)
- The Trust itself specifically distributes <u>personal property</u> to DW Balagno's three children <u>and Mary E. Pond</u> equally.
- The Trust Property Schedule defines personal property, and then goes on to state that the real property at 4157 E. Alta in Fresno is "NOT IN TRUST" and is held in joint tenancy with Linda Sue Balagno, one of the daughters.

SEE ADDITIONAL PAGES

Page 3

NEEDS/PROBLEMS/COMMENTS (Continued):

1. The petition states Petitioner has asked the trustee for a list of assets, but the trustee refused to comply with such request. However, this petition to remove the trustee was filed less than 60 days after the death of the settlor.

Petitioner's declaration attaches a copy of a letter from beneficiaries Linda Balagno and Lori Brown (not Petitioner) dated 4-5-13 (3 weeks after the death of the settlor) demanding a list of items by 4-11-13, which gave the new trustee 6 days to comply, only three weeks after becoming successor trustee. Attorney Armo sent another letter on 4-16-13.

Examiner notes that Probate Code § 16061.7(f) allows the trustee 60 days for just the initial notification to beneficiaries of the status of the trust changing to irrevocable, and Probate Code 16061 requires reasonable request by beneficiary for information relating to the administration of the trust. Further, Probate Code § 17200(b)(7)(C) allows a petition to be filed under this section if the trustee has failed to account within 60 days of reasonable request.

This petition was filed less than 60 days after the death of the settlor, and it does not appear that the trustee was afforded appropriate time for response before filing. Petitioner's declaration at #9 states that <u>now</u> 60 days have elapsed. **However, this petition still appears to have been filed prematurely.** <u>Need authority.</u>

2. Petitioner states the attached deed evidences conveyance of trust real property to Ms. Pond. However, the attached deed is a transfer of unspecified real property from Grantor Mary E. Pond to Mary E. Pond, Trustee of the Mary E. Pond Revocable Trust dated 3-6-13 (Settlor still alive), with no mention of this trust or trustee, and no address specified to clarify for the Court the property that is the subject of this petition.

When Petitioner provided a declaration in response to Examiner Notes for the last hearing, Petitioner explained that the property was <u>originally</u> held in the trust of Dale Balagno, and the attached deed <u>presupposes</u> that title to the subject property was conveyed to Mary Pond previously, without notice to Petitioner or beneficiaries.

However, again, the deed is dated 3-6-13, which is prior to the Settlor's death. If property was transferred to Ms. Pond prior to that date, then the alleged transfer occurred prior to the Settlor's death. Further, the copy of the Trust and Trust Property Schedule provided with the declaration <u>does not appear to reference any real property subject to the trust</u>. Rather, the body of the trust specifically references personal property only, and the Trust Property Schedule specifically states that the Settlor's real property located at 4157 E. Alta in Fresno is "NOT IN TRUST" and is held in joint tenancy with LINDA SUE BALAGNO.

Examiner notes that the trust itself appears to be a template-type document prepared by a document assistant, rather than an attorney, with a designated spot to list real property, but instead the language added states that the Settlor's real property located at 4157 E. Alta in Fresno is "NOT IN TRUST" and is held in joint tenancy with LINDA SUE BALAGNO.

<u>Therefore, if this petition goes forward, need clarification</u>: <u>What</u> property is Petitioner alleging was an asset of the trust that the successor trustee Nicholas T. Kovacevich improperly transferred to Ms. Pond, and when?

3. Alternate named successor trustee **Jo Ann Barnes** was not served with Notice of Hearing. Need proof of service of Notice of Hearing at least 30 days prior to the hearing on Jo Ann Barnes. Probate Code §17203(a)(1).

SEE ADDITIONAL PAGES

7A Dale W. Balagno Revocable Trust

Case No. 13CEPR00389

Page 4

NEEDS/PROBLEMS/COMMENTS (Continued):

- 4. Probate Code § 15660.5 provides the requirements for appointment of the Public Administrator, including a finding that no other qualified person is willing to act as trustee. Examiner notes that the trust names two alternate successor trustees, Jo Ann Barnes and Mary E. Pond. <u>Jo Ann Barnes was not served with notice of hearing (see #3 above)</u>. The Court may require clarification in order to make the findings necessary to appoint the Public Administrator.
- 5. If this petition goes forward, need consent to serve from Public Administrator. Probate Code §15660.5(a)(2)(B). Note that Probate Code §15660.5(a)(2)(A) allows the Court to appoint the Public Administrator to if the trust is to immediately be distributed according to its terms. However, this does not appear to be the case. Therefore, need consent per Probate Code §15660.5(a)(2)(B).

7B Dale W. Balagno Revocable Trust

Case No. 13CEPR00389

Atty Armo, Lance E. (for Joseph Balagno – Beneficiary – Petitioner)
Atty Gromis, David Paul (for Nicholas Kovacevich – Trustee)

Status Hearing

T		Sidios nediling	I
Dale W. Balagno		JOSEPH BALAGNO, Beneficiary, filed a	NEEDS/PROBLEMS/COMMENTS:
DOD: 3-16-13		Petition to Remove Trustee, to Appoint	
		Public Administrator as Trustee, and to	
		Compel Trustee to Account.	
		NUCLIOLACT KOVACEVICII Turuta	
		NICHOLAS T. KOVACEVICH, Trustee,	
Aff.Sub.Wit.		filed a Declaration on 8-8-13 (prior to Settlement Conference) indicating	
Verified	1	information provided to Petitioner's	
		attorney.	
Inventory		a	
PTC		At Settlement Conference on 8-20-13,	
Not.Cred.		the Court set this status hearing.	
Notice of			
Hrg		Minute Order 8-20-13: With regard to	
Aff.Mail		account #xxx005, the Court orders the Fresno Fire Department Credit Union to	
Aff.Pub.		provide Mr. Kovacevich, the trustee all	
Sp.Ntc.		bank statements for the period 2013 to	
Pers.Serv.		the present. Counsel is directed to	
Conf.		prepare the order. Set on 9-9-13 for	
Screen		Status Hearing.	
Letters			
Duties/Supp		Note: Court Order to Release Bank	
Objections		Statemenet sof Fresno Fire Dept Credit Union was signed by Judge Oliver on	
Video		8-23-13.	
Receipt		0 20 10.	
CI Report			
9202			
Order			
Aff. Posting			Reviewed by: skc
Status Rpt			Reviewed on: 9-3-13
UCCJEA			Updates:
Citation			Recommendation:
FTB Notice			File 7B – Balagno
			=

8 Delia Valencia (CONS/PE)

Case No. 13CEPR00521

Atty Kruthers, Heather H., (for Public Guardian)

Atty Walters, Jennifer L., (Court-appointed for Conservatee)

Re-consideration of Medical Powers

Ag	e: 86 years	PUBLIC GUARDIAN was appointed as conservator of the person and estate	NEEDS/PROBLEMS/COMMENTS:
		on 7/25/2013.	
		-	
Co	nt. from 082613	The initial Petition for Appointment of Conservator requested medical	
	Aff.Sub.Wit.	consent powers pursuant to Probate	
	Verified	Code §2355. At the time of the hearing	
	Inventory	on 7/25/2013 a Capacity Declaration	
	PTC	had not been filed. The Court granted the Conservatorship Petition without	
	Not.Cred.	medical consent powers and set this	
	Notice of	hearing for re-consideration of the	
	Hrg	medical consent powers.	
	Aff.Mail	Capacity Declaration filed on	
	Aff.Pub.	8/30/2013 does not support medical	
	Sp.Ntc.	consent powers.	
	Pers.Serv.	4	
	Conf. Screen		
	Letters	4	
	Duties/Supp	=	
	Objections Objections	1	
	Video	1	
	Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting	_	Reviewed by: KT
	Status Rpt	_	Reviewed on: 9/3/2013
	UCCJEA	4	Updates:
	Citation	4	Recommendation:
	FTB Notice		File 8 – Valencia

9 Kinghorn Children Irrevocable Life Ins Trust

Case No. 13CEPR00639

Atty Fishman, Robert G. and Callister, Jared R. (for Donald J. Kinghorn, Deloris W. Kinghorn, Rachel A. Kinghorn, and Brian A. Kinghorn)

Petition for Order Appointing Trustee, and for Order Approving Modification of Trust Terms

			DONALD J. KINGHORN, DELORIS W.	NEEDS/PROBLEMS/COMMENTS:
			KINGHORN, RACHEL A. KINGHORN, and	
			BRIAN A. KINGHORN, are Petitioners.	
	nt. from		Petitioners state:	
			1. On 12/18/06, petitioners Donald J.	
	Aff.Sub.Wit.	l	Kinghorn and Deloris W. Kinghorn	
✓	Verified		(collectively "Settlors") executed a declaration of trust with an effective	
	Inventory		date of December 14, 2006, forming the	
	PTC		KINGHORN CHILDREN IRREVOCABLE LIFE	
	Not.Cred.		INSURANCE TRUST (the "Trust"). The Trust	
✓	Notice of		is generally referred to as an	
	Hrg		"irrevocable life insurance trust" or "ILIT"	
✓	Aff.Mail	w/	and is meant to ensure that life	
	Aff.Pub.		insurance proceeds paid on the death	
	Sp.Ntc.		of the surviving Settlor are not included	
	Pers.Serv.		in the Settlor's estates for estate tax purposes. The beneficiaries of the Trust	
	Conf.		are the Settlor's two children and	
	Screen		petitioners herein – Rachel A. Kinghorn	
	Letters		(age 21) and Brian A. Kinghorn (age 19)	
	Duties/Supp		(collectively the "Children	
	Objections		Beneficiaries").	
	Video		2. The Trust designates Calvin M. Dyer as	
	Receipt		Trustee of the Trust and designates	
	CI Report		Debora Ozdinski as the Successor Trustee. Mr. Dyer has served as Trustee	
	9202		of the Trust since its execution on	
√	Order		12/18/06. However, by letter dated	
	Aff. Posting		05/19/13, Mr. Dyer resigned as Trustee,	Reviewed by: JF
	Status Rpt		which resignation was consented to	Reviewed by: 51
	UCCJEA		and accepted by the Children	Updates:
	Citation		Beneficiaries of the Trust. Ms. Ozdinski	Recommendation:
	FTB Notice		does not desire to serve as Trustee but	File 9 – Kinghorn
			has agreed to serve as Trustee on a temporary basis until a successor trustee	· ····· g
			can be appointed by the Court. Ms.	
			Ozdinski is only agreeing to serve as a	
			temporary Trustee in order to	
			accommodate Petitioners and to	
			ensure that there is no period during	
			which the Trust does not have a	
			functioning trustee.	
			Continued on Page 2	

Page 2

- 3. Section 5.02 of the Trust provides that upon reaching age 25, the Children Beneficiaries are to serve as Co-Trustees. In addition, section 5.03 provides that if both Mr. Dyer and Ms. Ozdinski are unable to serve or cease serving as trustee, then the Settlors can appoint a "bank" as successor Trustee until such time that the Children Beneficiaries reach age 25.
- 4. Because of the limited duration of time a bank trustee would serve (approximately four years until Rachel turned 25) and because of the relatively small size of the Trust estate, it has been impossible for the Settlors to find a bank willing to serve as Trustee. As a result, the only option available to the Petitioners is to seek a court order appointing a successor Trustee.
- 5. Petitioners request that the Court appoint Rachel A. Kinghorn (daughter of Settlors, Age 21, Petitioner herein and beneficiary of the Trust).
- 6. Petitioners also desire to modify certain sections of Article V, dealing with the designation of trustees so that, in the future, there will be a reduced likelihood of having a vacancy in the office of trustee. Petitioners request that Section 5.01, 5.02 and 5.03 be revoked in their entirety and replaced and that a new Section 5.05 be added.
 - a. In summary, the new Section 5.01 designates Rachel A. Kinghorn as the sole trustee and in the event she ceases to act as trustee then Brian A. Kinghorn shall serve. If both are unable to serve then the last person to serve as trustee shall have the power to appoint a successor trustee.
 - b. In summary, the new Section 5.02 states that when Brian A. Kinghorn reaches age 25, and he so accepts, then he and Rachel A. Kinghorn shall be co-trustees. If either Rachel or Brian dies or ceases to act, then the other shall serve as the sole Trustee. If both are unable to serve then the last person to serve as trustee shall have the power to appoint a successor trustee.
 - c. In summary, the new Section 5.03 states that the Settlors jointly, or any surviving Settlor, has the power to remove a trustee or trustees at any time and appoint a successor trustee.
 - d. Section 5.05 states: "No Trustee Designated or Appointed. In the event that no successor trustee has been designated or appointed as provided throughout this Article V, then all of the adult income beneficiaries of the Trust may unanimously appoint a successor trustee or co-trustee."
- 7. Petitioners believe that such a modification is justified and beneficial because it will help to reduce the likelihood of having to file court petitions to name and appoint successor trustees of the Trust in the future if the Children Beneficiaries do not serve as trustees.
- 8. Petitioners (composed of the Settlors and Children Beneficiaries) have brought this petition and believe that no guardian ad litem is needed in this case. The Children Beneficiaries' interests in the Trust and in the subject matter of this Petition are identical to those of the Children Beneficiaries unborn issue and other unascertained beneficiaries are adequately represented by the Children Beneficiaries and no guardian ad litem is needed. Further, the matters requested in this Petition do not change or alter the rights of any contingent beneficiaries as they relate solely to the designation of the Trust's trustees.

Petitioners pray for an Order:

- 1. Accepting the resignation of Debora Ozdinski as Trustee of the Trust;
- 2. Approving the appointment of Rachel A. Kinghorn as Trustee of the Trust;
- 3. Approving the requested modifications of the Trust; and
- 4. Determining that, with respect to the Petition, the interests of any unborn or unascertained beneficiaries are adequately represented without the appointment of a guardian ad litem.

Harvey N. Spann & Gladys M. Spann Trust 10/10/95 Case No.13CEPR00646 Schiller, Keith (of Orlinda, CA, for Petitioner Robert Swanton) Petition for Construction of a Trust Instrument and the Appointment of Estate Tax and Generation Skipping Transfer Tax

Harvey N. Spann DOD: 3-30-95	ROBERT SWANTON, Trustee of Survivor's Trust A established under the Harvey Newell Spann and Gladys	NEEDS/PROBLEMS/ COMMENTS:
Gladys M. Spann DOD: 9-27-12	Marceline Spann Revocable Living Trust as amended, is Petitioner.	Note: Consents were filed 9-3-13 by all
	Petitioner states the Trust dated 10-10-85 was amended and restated on 2-24-95. Surviving Trustor Gladys Spann further amended via instrument entitled "Surviving	beneficiaries: - Jack Newell Spann
Aff.Sub.Wit.	Trustor's Directive to Trustee Regarding Trust A, The Surviving Trustor's Trust" (the Directive).	- Jacqueline Stark - Jennifer D. Temple
Verified Inventory	Petitioner desires a Court order determining the construction of the Amended Trust and Directive with	- Janis Dee Spann.
PTC Not.Cred.	respect to two issues:	
Notice of Hrg	(i) to determine the effectiveness of the Directive and its scope in appointing the share of Trust A (Survivor's Trust)	
Aff.Mail	to the Trustors' son Jack Newell Spann ; and	
Aff.Pub.	(ii) to determine the allocation of estate taxes, debts	
Sp.Ntc. Pers.Serv.	and administrative expenses following Gladys' death.	
Conf. Screen	Pursuant to the terms of the trust, the Surviving Trustor was permitted to amend Trust A in whole or in part and had a general power of appointment over the principal	
Letters	balance of Trust A. The 2-24-09 Directive adds Paragraph	
Duties/Supp	H to Article VIII (Debts, Administration Expenses and	
Objections Video	Taxes) and ratifies and confirms the no-contest provision.	
Receipt	The Directive also includes a section that sets forth instructions to the Trustee on how Trust A shall be held,	
CI Report	administered and distributed on her death, including	
9202	that a pecuniary amount equal to the unused and	
Order	remaining GST Exemption shall be distributed to Trustors'	
Aff. Posting	Granddaughters, and the balance, if any, is to be	Reviewed by: skc
Status Rpt	distributed in trust for the benefit of Jack.	Reviewed on: 9-4-13
UCCJEA	Petitioner believes that while the effectiveness of the	Updates:
Citation FTB Notice	Directive may be disputed, that it would be appropriate	Recommendation: File 10 – Spann
FIB NOIICE	for this Court and consistent, insofar as known to the Petitioner, to find that the Directive constituted an effective exercise of a power of appointment by Gladys as the Surviving Trustor over the principal of Trust A and powers retained by Gladys with respect to Trust A.	riie 10 – spanii
	If effective, the Trustors' son Jack Newell Spann receives his share of Trust A in trust subject to the terms and conditions set forth in the Directive after the bequests of a pecuniary amount equal to the unused and remaining Generation Skipping Tax Exemption of the Surviving Trustor are distributed to Jack's daughters, Jacqueline Stark, Jennifer Dee Spann Temple, and Janis Dee Spann (Trustors' Granddaughters).	
	If not effective, then Jack receives the foregoing share outright.	
	SEE ADDITIONAL PAGES	

Harvey N. Spann & Gladys M. Spann Trust 10/10/95 Case No.13CEPR00646

Page 2

Petitioner provides explanation of the terms of the amended trust and the directive with regard to the various exempt and non exempt shares, and also provides a declaration in support of the petition from Gerald Lee Tahajian, the Trustors' attorney. Mr. Tahajian explans that the amendments were intended to amend Trust A only, as Trusts B and C were not subject to amendment after Harvey Newell Spann's death. Paragraph H was added to reflect Mrs. Spann's intention that each Trust pay their prorata shareof tax so that their grandchildren would benefit. His notes reflect that the provision was discussed in an office conference with Mrs. Spann, Robert Swanton (her CPA and Trustee) and Attorney Tahajian on 1-29-09.

Mr. Tahajian states that Gladys stated she believed that Jack had received a substantial amount during her lifetime and she desired to benefit her granddaughters.

See also Points and Authorities filed concurrently.

Petitioner prays for an order as follows:

- 1. Determining whether or not **Surviving Trustor Gladys Spann** effectively exercised her general power of appointment over Trust A, and with respect thereto that the following determination be made:
 - Consistent with the intention of Gladys and giving is effect to the **Directive** that distribution of the principal of Trust A allocated to **Jack Newell Spann** to be held, administered and distributed in trust giving effect to said exercise and that the income as of the death of Gladys with respect to Trust A be distributed outright to Jack;
- 2. Determining consistent with California Law that the allocation of expenses and taxes (both estate and generation-skipping transfer taxes) among the shares and subtrusts of the **Amended Spann Revocable Living Trust** in recognition of the **Directive**, including whether or not there has been a waiver of reimbursement pursuant to Section 2207A of the Internal Revenue Code and authorizing paymnets by the Trustee in accordance with such order; and with respect there that the following determination be made:
 - (A) That the estate taxes applicable to Trust C (exempt and non-GST exempt portions of Trust C) arising on the death of **Gladys** shall be charged and paid from the non-GST exempt part of Trust C without reimbursement and that the right of reimbursement has been effectively waived under the terms and conditions of the **Amended Spann Revocable Living Trust** and the **Directive**; and that the Trustee pay estate taxes accordingly.
 - (B) That the GST taxes applicable to a trust that gives rise to GST tax, if any, shall be paid to and charged against said trust; and, that GST taxes, if any, be paid by the Trustee accordingly.
 - (C) That the administrative expenses of Trust B and Trust C are allocated to Trust A as a contribution by **Gladys** and the Trustee is authorized to make said payments; and
- 3. Such further orders as the Court considers proper.

Shepard, Jeff S. (for Ruby Vargas – Petitioner – Daughter)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 11/03/1973		RUBY VARGAS, daughter, is petitioner	NEEDS/PROBLEMS/COMMENTS:
		and requests appointment as	
		Administrator with bond set at \$2,000.00.	Petition indicates that the fair market value of the real property
		\$2,000.00.	is \$10,000.00. Therefore bond
Co	nt. from		should be set at \$10,000.00.
	Aff.Sub.Wit.	Full IAEA – o.k.	Note: The Court may question if
✓	Verified		\$10,000 is the 1973 (date of death) value of the property or
	Inventory	Decedent died intestate.	the current fair market value.
	PTC		Bond should be set at the current
	Not.Cred.		fair market value.
✓	Notice of Hrg	Residence: Reedley Publication: Selma Enterprise	
√	Aff.Mail w/o		Note: If the petition is granted, status hearings will be set as follows:
	Aff.Pub.	Estimated value of the Estate:	5. 3. 15 3. 1. 3. 1. 1. 3. 1. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1. 3. 1.
Ě		Real property - \$10,000.00	• Friday, October 11, 2013 at 9:00
	Sp.Ntc.		a.m. in Department 303, for the
	Pers.Serv.	Drobada Dafaraa, Diak Susibb	filing of the bond.
	Conf.	Probate Referee: Rick Smith	• Friday, February 14, 2014 at 9:00
✓	Screen Letters		a.m. in Department 303, for the filing of the inventory and
✓	Duties/Supp		appraisal.
	Objections		• Friday, November 14, 2014 at
	Video		9:00 a.m. in Department 303, for
	Receipt		the filing of the first account or
	CI Report		petition for final distribution.
	9202		Duray and to Look Dulo 7.5 if the
✓	Order		Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
	Aff. Posting		Reviewed by: LV /KT
	Status Rpt		Reviewed on: 09/05/2013
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 11 - Hamilton
			11

Rube, Melvin K. (for Petitioner Shawn Smith)

Petition for Letters of Administration; Authorization to Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 7/18/2010			SHAWN SMITH, Nephew, is petitioner	NEEDS/PROBLEMS/COMMENTS:
F			and requests appointment as	
			Administrator with bond set at	1. #6 of the Petition was not
			\$60,000.00.	answered re: Next of Kin.
<u></u>	nt. from		_ ,,,_,	0 40 54 44
	Aff.Sub.Wit.		Full IAEA – o.k.	2. #8 of the petition lists several
			Decedent died intestate.	persons as deceased. Local Rule 7.1.1D requires the date of death
✓	Verified		Decedent died intestate.	to be included in the petition.
	Inventory		Residence: Firebaugh	
	PTC		Publication: Fresno Business Journal	Note: If the petition is granted, status
	Not.Cred.			hearings will be set as follows:
	Notice of		Estimated value of the Estate:	- Friday October 11 2012 at 0:00
	Hrg		Real property - \$60,000.00	• Friday, October 11, 2013 at 9:00 a.m. in Department 303, for the
✓	Aff.Mail	W/	Treat property - 400,000.00	filing of the bond.
✓	Aff.Pub.			• Friday, February 14, 2014 at 9:00
	Sp.Ntc.			a.m. in Department 303, for the
	Pers.Serv.		Probate Referee: Rick Smith	filing of the inventory and
	Conf.			appraisal.
	Screen			
✓	Letters			• Friday, November 14, 2014 at 9:00 a.m. in Department 303, for
✓	Duties/Supp			the filing of the first account or
	Objections			petition for final distribution.
	Video			Pursuant to Local Rule 7.5 if the
	Receipt	_		required documents are filed 10
	CI Report			days prior the date set the status
	9202			hearing will come off calendar and
✓	Order			no appearance will be required.
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 9/5/2013
	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 12 – Wardlaw

Status Hearing Re: Filing of the Inventory and Appraisal

Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:	1	
	=	OFF CALENDAR
	1	
Cont. from	1	First and Final Account filed 8-27-13 is
Aff.Sub.Wit.		set for hearing on 10-2-13
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of]	
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video	1	
Receipt		
CI Report		
9202		
Order		
Aff. Posting		Reviewed by: skc
Status Rpt		Reviewed on: 9-4-13
UCCJEA		Updates:
Citation		Recommendation:
FTB Notice		File 13 – Cross

Atty

Ybarra, Frances

Status Hearing

	sidios nediliig	
Age:		NEEDS/PROBLEMS/COMMENTS:
DOD:		0015111115
		CONTINUED TO 11/22/13
		Per note in the file
Cont. from		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of		
Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf.		
Screen		
Letters		
Duties/Supp		
Objections		
Video		
Receipt		
CI Report		
9202	_	
Order	_	D 11 15
Aff. Posting	_	Reviewed by: JF
Status Rpt	_	Reviewed on: 09/04/13
UCCJEA	_	Updates:
Citation	_	Recommendation:
FTB Notice		File 14 – Ybarra

Worthington Family Grantor Trust 12-28-11 Case No. 13CEPR00455

Atty Rube, Melvin K. (for Scott J. Worthington – Co-Trustee – Petitioner Fresno County)

Atty Ramseyer, Ryan A. (for Cynthia Schmidt – Co-Trustee – Petitioner Santa Clara County)

Kruthers, Heather (for Public Guardian)

Atty

Status Report from Public Guardian

Frederick A. Worthington	SCOTT J. WORTHINGTON, Co-Trustee of THE	NEEDS/PROBLEMS/COMMENTS:
(Trustor) Celia M. Worthington (Decedent) DOD: 4-9-12	WORTHINGTON FAMILY GRANTOR TRUST dated 12-28-11 and a resident of Fresno County, filed a Petition to Terminate an Irrevocable Trust on 5-23-13 in Fresno Superior Court, along with a declaration in support by the Trustor, Frederick A. Worthington.	
Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of	CYNTHIA A. SCHMIDT, Co-Trustee, and a resident of Santa Clara County, had previously filed a Petition for Instructions in Santa Clara Superior Court on 4-23-13. At hearing on 7-15-13, the Court set settlement conference for 8-12-13.	
Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters	Settlement Conference Minute Order from 8- 12-13 states: Parties engage in settlement discussions with the Court. Based on the discussions, the Public Guardian is appointed for the benefit of Fred Worthington. The Court directs the Public Guardian to meet with Fred Worthington and speak with counsel regarding an evaluation to determine the appropriate level of care for him. The Court	
Duties/Supp Objections Video Receipt CI Report 9202 Order	obtains consent from all counsel to engage in ex parte communications with the Public Guardian. The Court directs that a list of items be prepared within two weeks and an order as set forth be prepared by counsel. The Court sets a Status Hearing for the Public Guardian on 9/9/13. The Court indicates for the minute order that Mr. Dornay's presence	
Aff. Posting Status Rpt UCCJEA Citation FTB Notice	will not be required on 9/9/13. The Court will expect appropriate status reports to be filed for the upcoming hearings. - Set on 9/9/13 @ 9:00 a.m. for: Status Report from Public Guardian. - Set on 11/4/13 @ 1:30 p.m. for: Status Hearing A copy of the minute order was mailed to	Reviewed by: skc Reviewed on: 9-5-13 Updates: Recommendation: File 15 – Worthington
	Attorney Heather Kruthers on 8-16-13.	

Jaileen Rebecca Cruz (GUARD/P)
Valenzuela, Elba (pro per Petitioner/guardian/sister)
Petition for Termination of Guardianship

Ag	e: 15 years		ELBA VALENZUELA, sister, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
			ELBA VALENZUELA was appointed guardian on 10/10/12.	Need Notice of Hearing.
Co ✓	Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail	X	Father: UNKNOWN (listed as Mario Cruz on the initial petition for guardianship) Mother: LEOVIGILA CRUZ – consents and waives notice. Paternal grandparents: Not listed Maternal grandparents: Not listed Petitioner states the minor has excessive	2. Need proof of service of the Notice of Hearing or Declaration of Due Diligence on: a. Mario Cruz (father) b. Jaileen Cruz (minor) c. Paternal grandparents d. Maternal grandparents
	Aff.Pub. Sp.Ntc. Pers.Serv. Conf. Screen Letters	_	behavior problems and runs away from home. She steals from the guardian and family. Refuses to participate in therapy and does not attend school. Court Investigator Julie Negrete's Report filed on 8/8/2013.	
✓	Duties/Supp Objections Video Receipt CI Report			
✓	9202 Order			Paviowed by: KT
	Aff. Posting Status Rpt UCCJEA Citation FTB Notice			Reviewed by: KT Reviewed on: 9/5/2013 Updates: Recommendation: File 16 – Cruz

Garcia, Antonio L (pro per Petitioner/step-father)

Petition for Appointment of Guardian of the Person (Prob. C. 1510

Ac	e: 9 years		TEMPORARY EXPIRES ON 9/9/2013	NEEDS/PROBLEMS/COMMENTS:
, .9	. , , , , , , , , , , , , , , , , , , ,		<u></u>	
			ANTONIO GARCIA , step-father, is petitioner.	
			- " " " " " " " " " " " " " " " " " " "	Need proof of service of the
			Father: JUVENTINO CHAVEZ – consents and	Notice of Hearing along with a
Со	nt. from		waives notice.	copy of the Petition or Consent and Waiver of Notice or
	Aff.Sub.Wit.		Mother: JULIA PATRICIA RAMIREZ –	Declaration of Due Diligence on:
✓	Verified		personally served on 8/13/13.	a. Natalia Sosa (paternal grandmother)
	Inventory		Paternal Grandfather: Pablo Castro -	g.a.namen,
	PTC		Deceased	
	Not.Cred.		Paternal Grandmother: Natalia Sosa	
	Notice of	Χ	Maternal Grandfather: Peter Ramirez -	
	Hrg		Deceased Maternal Grandmother: Maria Morales –	
	Aff.Mail	Χ	Declaration of Due Diligence filed on	
	Aff.Pub.		9/3/2013.	
	Sp.Ntc.			
	Pers.Serv.	Χ	Petitioner states : the mother has issues with	
✓	Conf.		drugs and alcohol and is physically abusive towards the child. The father is not stable	
	Screen		with no legal residency. Petitioner states the	
✓	Letters		child has been in his care since she was two	
✓	Duties/Supp		years old.	
	Objections		Court Investigator Charlotte Bien's Report	
	Video		filed on 8/29/2013.	
	Receipt			
✓	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 9/5/2013
√	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 17 – Ramirez

Ryan, Anna L. (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

I Age: 4 NO TFMPORARY IN PLACE: I NEEDS/PROBLEMS/COMMENTS:	
No TEMPORARY IN PLACE; TEMPORARY DENIED ON 07/22/13 1. Need Notice of Hearing. 2. Need proof of personal service is Petitioner. Notice of Hearing with a copy of Petition for Appointment Notice of Hrg x Aff.Sub. Aff.Sub. X Aff.Mail x Aff.Mail x Aff.Pub. Sp.Ntc. Pers.Serv. x Conf. Screen Letters x Video Receipt Notice of Hearing in the minor's presence and neglect him. Petitioner states that she has guardianship of the minor's Need Notice of Hearing. Need Notice of Hearing are least 15 days before the head Notice of Hearing with a copy of Petition for Guardianship of Declaration of Due Diligence Consent & Waiver of Notice Curtis W. Ruby (Proof of silled 08/01/13 indicates the was served with a copy of Petition for Appointment Temporary Guardianship. If of service is not on the Juc Council form attached to Notice of Hearing therefore unknown what date Noti Hearing was served.) Christal Ruby (Declaration of Due Diligence filed 08/01/13 in that Christal was provide hearing date and time be message, but will not disc residence address to Petorder to have her person	ring of by of the by of the ervice hat he of the of not the proof udicial of the ore it is ce of the noticates did the y text close her
9202 guardianship of the minor is necessary to ensure the safety and well-being of the minor. Court Investigator Jennifer Daniel filed a report on 08/30/13. Steven Ruby (paterna grandfather)	ring of by of the e <u>or</u> for: al
FIB NOIICE	

Arias, Suzanne (pro per – maternal grandmother/Petitioner)

Petition for Appointment of Guardian of the Person (Prob. C. 1510)

Ag	e: 7		TEMPORARY EXPIRES 09/09/13	NEEDS/PROBLEMS/COMMENTS:
	nt. from Aff.Sub.Wit. Verified Inventory PTC Not.Cred. Notice of Hrg Aff.Mail Aff.Pub. Sp.Ntc. Pers.Serv.		SUZANNE ARIAS, maternal grandmother, is Petitioner. Father: JUSTIN EMERY – Personally served on 07/15/13 Mother: DESIREE PEREZ – Consent & Waiver of Notice filed 07/08/13 Paternal grandfather: PETE EMERY – Declaration of Due Diligence filed 07/22/13 Paternal grandmother: KIM LIBBE – Served by mail on 07/15/13 Maternal grandfather: MICHAEL PEREZ – Served by mail on 07/15/13	 NEEDS/PROBLEMS/COMMENTS: 4. Declaration of Due Diligence filed 07/22/13 states that the paternal grandfather's whereabouts are unknown and that he has never been involved in his son's or grandson's life. If diligence is not found, need proof of service by mail at least 15 days before the hearing of Notice of Hearing with a copy of the Petition for Guardianship or Consent & Waiver of Notice for: Pete Emery (paternal grandfather)
✓ ✓ ✓	Conf. Screen Letters Duties/Supp Objections Video Receipt CI Report 9202 Order Aff. Posting Status Rpt UCCJEA		Petitioner alleges that the mother abuses drugs and has given Petitioner permission to keep the minor in her care. The father is absent and has only seen the minor 1 time this year. Court Investigator Charlotte Bien filed a report on 08/26/13.	Reviewed by: JF Reviewed on: 09/05/13 Updates:
	Citation FTB Notice			Recommendation: File 19 – Emery

20 Elijah Vang, Lexie Vang & Madison Vang (GUARD/P)

Case No. 13CEPR00696

Atty Xiong-Vang, Jamie (for Pa Ying Moua and Miles Madrid Temporary Guardians/sister and

sister's fiancé)

Atty Hopper, Cindy J (for Petitioners/parents Kong Peng Vang and Helene Tcha)

Motion to Set Aside Temporary Orders

Elij	ah age: 16		KONG PENG VANG, father, and HELENE TCHA, mother, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
	Lexie age: 15 Madison age: 7		PA YING MOUA, half-sister, and MILES MADRID, sister's fiancé, were appointed	Order Shortening Time for the Court to hear the Motion to Set Aside the
	ont. from		temporary guardians on 8/22/2013. In their temporary petition, Pa Ying Moua and Miles Madrid alleged: the	Temporary Guardianship ordered the Motion to be served no later than September 3, 2013 with responses
	Aff.Sub.Wit.		minor's parents had not only been	filed no later than September 6, 2013.
✓	Verified		physically and emotionally abusive towards the minors, but had	Need proof of service of the Motion to Set Aside the
	Inventory		abandoned them in the country of	Temporary Guardianship and
	PTC		Thailand. Petitioners stated they felt the	supporting documents on:
	Not.Cred.		minors were in danger of physical and	a. Pa Ying Moua (temporary
	Notice of Hrg	Х	emotional harm if they continue under the care of their parents.	guardian) b. Miles Madrid (temporary
	Aff.Mail	Χ	Petitioners state this motion is brought	guardian)
	Aff.Pub.		on the grounds that Pa Ying Moua and	c. Jamie Xiong-Vang (attorney
	Sp.Ntc.		Miles Madrid lied to this Court and	for temporary guardians)
	Pers.Serv.		committed perjury in order for the	
	Conf.	<u> </u>	temporary to be granted. Furthermore,	
	Screen		based on the fact that the Petitioners failed to serve the parents of the minor	
	Letters		children they were unable to attend	
	Duties/Supp		and appear in Court.	
	Objections		Petitioners state the children were born	
	Video	Ì	in the United States and have lived with	
	Receipt		them continuously. They are	
	CI Report		permanent residents of the U.S. In 2012	
	9202		and 2013 they formed two corporations	
✓	Order		in the country of Thailand in the industry	
	Aff. Posting		of cosmetics and computers. They are partners in another corporation in	Reviewed by: KT
	Status Rpt		Thailand.	Reviewed on: 9/4/2013
	UCCJEA		Diamaga and different of the second	Updates:
	Citation		Please see additional page	Recommendation:
	FTB Notice			File 20 – Vang
				20

20 Elijah Vang, Lexie Vang & Madison Vang (GUARD/P)

Case No. 13CEPR00696

Petitioners state after accessing the opportunities in Thailand ad decision was made as a family in order to better their finances and circumstances to move to Thailand. Prior to the move they placed their residence located in Fresno for sale. The residence had not sold when the left. They moved to Thailand on June 16, 2013. They left Thailand on July 17, 2013 to return to the U.S. to complete the sale of their residence and other financial matters before returning to Thailand. The intent when they left Thailand was to return by September 2, 2013. The children were left with Peng (father) cousin's husband. He is not a stranger. The children met him when he came to California in December 2012.

Upon returning to California it came to their attention that their house was not going to close escrow as fast as they thought and their other business dealings were taking longer than expected. Since they didn't know how long everything would take they brought the children back to California on 8/23/2013. Upon their return to the U.S. they were removed from the customs area at LAX based on the Petitioners' orders and letters issued by the court.

Pa Ying states in her petition that the parents have been physically and emotionally abusive towards the children and that they were abandoned in Thailand. This is not true. She states there is a history of CPS investigations and both have criminal records for neglect and abuse. This is not true. What is true is that there have been several calls to CPS all of which were made by Pa Ying. A social worker came to the home and found the allegations unfounded.

Pa Ying filed a supplemental declaration attaching text messages between Pa Ying and Lexie as well as photographs of Lexie in a towel. One of the businesses in Thailand is a spa. Lexie has a fair complexion and they wanted to use her as a model. The business is family owned and Lexie was helping with the business. Petitioners state they did not force Lexie to model but rather she willingly agreed. These pictures were not used in their advertising but were test pictures.

Pa Ying also states in her supplemental declaration that that she was requesting orders to permit her to travel to Thailand to retrieve the children. What Pa Ying did not inform the court is that she knew the children were already returning home and that they would return on 8/23/2013, one day after the hearing.

It is Petitioner's belief that Pa Ying is upset that the family is moving to Thailand. Pa Ying failed to give Petitioners notice of the hearing on 8/22/2013l. Petitioners state they returned home on 7/17/2013 to their home listed in Pa Ying's petition. Pa Ying knew of their whereabouts. Petitioners state they believe that Pa Ying intentionally failed to serve them as she committed perjury in her Petition.

Petitioners request the Court set aside the Order Appointing Temporary Guardian and Letters of Temporary Guardianship filed 8/22/2013 and that the children be returned to their care.

Points and Authorities in Support of Motion to Set Aside Temporary Guardianship.

Garcia, Melinda (pro per Petitioner/maternal grandmother) Atty Atty

Garcia, Jorge (pro per Petitioner/maternal step-grandfather)

Petition for Appointment of Temporary Guardian of the Person

Ag	e: 3 years		GENERAL HEARING 10/28/2013	NEEDS/PROBLEMS/COMMENTS:
			MELINDA GARCIA, maternal	1 Nood Notice of Hogring
			grandmother and JORGE GARCIA , maternal step-grandfather, are	Need Notice of Hearing.
Со	nt. from		petitioners.	2. Need proof of personal service of
	Aff.Sub.Wit.			the Notice of Hearing along with
✓	Verified		Father: JOSE GARCIA	a copy of the Temporary Petition or Consent and Waiver of Notice
	Inventory		Mother: JULISSA GARCIA	or Declaration of Due Diligence
	PTC			on:
	Not.Cred.		Paternal grandfather: Eleazar Garcia	a. Jose Garcia (father)
	Notice of Hrg	Χ	Morales Paternal grandmother: Sandra Luz	b. Julissa Garcia (mother)
	Aff.Mail		Gutierrez Maternal grandfather: Dino Perales	
	Aff.Pub.		Material glatiatatiet. Ditto Ferales	
	Sp.Ntc.		Petitioners state the mother of the child	
	Pers.Serv.	Χ	is never home to care for her. She goes	
✓	Conf. Screen		out and either leaves the child or takes her with her. One time she was at the	
√	Letters		emergency waiting room and the	
<u>·</u>	Duties/Supp		minor had no diaper on. Mom was reported to CPS and as a result the	
	Objections		child was placed in petitioner's care. Temporary guardianship is needed so	
	Video		that Petitioner can take the minor to	
	Receipt		her medical appointments.	
	CI Report			
	9202			
✓	Order			
	Aff. Posting			Reviewed by: KT
	Status Rpt			Reviewed on: 9/5/2013
✓	UCCJEA			Updates:
	Citation			Recommendation:
	FTB Notice			File 21 – Garcia
				21

Carla Alizay Luna, Devon Dushon Murphy, Jr., Jeremaiah Josiah Murphy & Nehamiah Malachi Murphy (GUARD/P) Case No. 13CEPR00754

Atty Quintana, Benito Jr. (pro per Petitioner/maternal grandfather)
Atty Quintana, Jennie P. (pro per Petitioner/maternal grandmother)

Petition for Appointment of Temporary Guardian of the Person (Prob. C. 2250)

Co	ırla age: 11	GENERAL HEARING 10/29/2013	NEEDS/PROBLEMS/COMMENTS:
Devon age: 9		OLIVERAL HEARING 10/27/2010	NEEDS, I ROBLEMS, COMMENTS.
Jeremaiah age: 7		Temporary Expires 9/9/2013	
Nehemiah age: 5			
Cont. from		BENITO QUINTANA, maternal grandfather and	Need proof of personal
	Aff.Sub.Wit.	JENNIE QUINTANA , maternal grandmother, are petitioners.	service of the Notice of Hearing along with a copy
	Verified	permoners.	of the temporary Petitioner
✓		Father (Carla): JUAN CARLOS LUNA	or Consent and Waiver of
	Inventory	· · · ·	Notice or Declaration of
	PTC	Father: (Devon, Jeremaiah & Nehamiah):	Due Diligence on:
	Not.Cred.	DEVON DUSHON MURPHY	a. Juan Carlos Luna
✓	Notice of	Mother: ANITA MARIE QUINTANA – consents	(Carla's father)
	Hrg	and waives notice.	b. Devon Dushon Murphy (Devon, Jeremaiah
	Aff.Mail	and waives notice.	and Nehamiah's
	Aff.Pub.	Paternal grandfather (Carla): Unknown)	father)
	Sp.Ntc.	Paternal grandmother (Carla): Irma Morales	·
1	Pers.Serv.	Paternal grandfather (Devon, Jeremaiah &	
/	Conf.	Nehamiah): George Murphy	
•	Screen	Paternal grandmother (Devon, Jeremaiah &	
√	Letters	Nehamiah): Evette Murphy.	
-		Petitioners state Devon Dushon Murphy's	
\	Duties/Supp	(father) date of release is 9/17/2013. He wrote	
	Objections	a letter to the children's mother stating he and	
	Video	she should be raising their children. Therefore, they are afraid that upon his release he will try	
	Receipt	to take the children. The father was very	
	CI Report	abusive and controlling. He has abuse the	
	9202	children verbally and emotionally and they are	
1	Order	afraid of him. Attached to the petition is Team	
	Aff. Posting	Decision Meeting (TDM) notes from DSS dated	Reviewed by: KT
	Status Rpt	9/14/12 stating allegations of sexual abuse, substance abuse by the parents, domestic	Reviewed on: 9/5/2013
/	UCCJEA	violence and home conditions. The TDM	Updates:
		indicates it was agreed that the children	•
	Citation FTB Notice	would remain with the grandparents and the	Recommendation:
	LID MOUCE	grandparents would petition for guardianship.	File 22 – Luna & Murphy
		Also attached to the Petition is a copy of a	
		protective order restraining Devon (father)	
		from contact with Anita (mother) until 9/14/15.	